

## **REMARKS**

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Claims 9-13, 15-21, and 32-34 are original. Claims 1-8, 14, 22-31 and 35 – 43 are currently amended to overcome the rejections in the August 8, 2006 office action. Claims 1 – 43 are pending.

### **35 U.S.C §112 Rejections**

Claims 27 and 40 stand rejected under 35 USC §112, first paragraph as the claim contains subject matter (“action screen portion”) that fails to comply with the enablement requirement. The examiner stated in the rejection that the “action screen portion” will be interpreted as the game screen where the game action is being portrayed.

### **Argument**

Applicant has amended Claims 27 and 40 in accordance with this interpretation, specifically claim 27 has been amended to recite:

“The computer game of claim 23, wherein the game display further includes a game screen where game action by a virtual game player is being portrayed.”

Claim 40 has been amended to recite:

The apparatus of claim 37, wherein the game display further includes a game screen where game action by a virtual game player is being portrayed. Support for amended claims 27 and 40 is found in the specification and drawings (e.g. see item 402) and Applicant submits that this rejection is now traversed.

### **35 U.S.C. §102 Claim Rejections**

Claims 1, 3, 4, 6, 8 and 14 stand rejected as being anticipated by Thompson et. Al. (U.S Pub #2002/0142847) "Thompson". Claims 23, 26, 27, 31 – 32, 34 and 36 stand rejected as being anticipated by Seven Kingdoms II: The Fryhtan Wars "Seven Kingdoms".

Applicant submits the references do not anticipate the amended claims and, in view of the comments below, respectfully traverse the Office's rejection. Before discussion the substance of the Office's rejections, however a section entitled "The 102 Standard" is provided and will be used in addressing the Office's rejections. Following this section, sections entitled "the Thompson reference" and "The Seven Kingdoms reference" are provided and describe their respective disclosures and teachings.

### **The §102 Standard**

Applicant notes the requirements of MPEP §2131, which states that "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." This MPEP section further states that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required

by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

To clarify the legal meaning of the term "anticipation", Applicant notes the language of 35 U.S.C. §103(a):

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This language sets forth Congressional intent in clear and exact terms as to what does or does not comprise anticipation, as compared to unpatentability. The reference must contain, within its four corners, exactly the subject matter of the claim, as it appears in the claim, in order to support a valid finding of anticipation.

It is thus inappropriate to modify (item (iii), supra) the teachings of the reference, for example, by ignoring affirmatively-recited portions of Applicant's claims in attempting to arrive at a finding of anticipation. In part, this is because a finding of anticipation involves determining that the subject matter recited in the claim is already in the public domain, using the rules of evidence set forth in the statute and which are further interpreted in the MPEP and case law. In order to provide evidence of anticipation, the reference must, within its four corners, set forth this subject matter (item (i) supra) and enable such (item (iv) supra) exactly (item (ii), supra) as it appears in the claim.

### **The Thompson Reference**

Thompson teaches a game assistant application that is used to build a competitive card or board game by analyzing the user's physical inventory. In Thompson, the user manually inputs collection content and a wish list (e.g. a desired competitive game or strategic outcome). The Thompson game assistant application then using the user inputs, game rules, logic and its own database determines recommendations for the user regarding with which games pieces to use when the user plays the game.

### **The Seven Kingdoms Reference**

Seven Kingdoms teaches a game where the player builds civilizations which are displayed on a map. The game player may build a particular kingdom which may contain many nationalities. The kingdom may also contain building structures (objects) such as mines, markets and factories. Seven Kingdoms displays these buildings on a map. The user, by selecting a tab (Nationality Filter) on the map, can selectively display these building structures of a particular nationality or by selecting another tab (Object Filter) can display a particular type of building.

### **Argument**

Applicant submits that amended claim 1, upon which claims 2-22 are dependent, is not anticipated by Thompson. Applicant submits that amended claim 23, upon which claims 24-30 are dependent, and amended claim 31 upon which claims 32 - 36 are dependent, are not anticipated by Seven Kingdoms.

**Claim 1** recites a method for managing a plurality of virtual items during computer game play, the method comprising:

indicating during game play to a game player the plurality of virtual items to be obtained as possessions by the game player, at least a portion of the plurality of virtual items comprising attributes;

obtaining the plurality of virtual items with the game player;

indicating as being possessed by the game player at least a portion of the obtained plurality of virtual items;

filtering the obtained plurality of virtual items based on their attributes; and

displaying the filtered obtained plurality of items in a game inventory.

Thompson does not show or disclose virtual items obtained as possessions by the game player, as recited in amended claim 1. Specifically Thompson does not indicate to the game player during game play the virtual items to be obtained or obtained as possessions by the game player. Further Thompson does not display the virtual game items. Thompson is an application that is used to help the user in setting his strategy prior to the game, which is different from Applicant's game playing inventory management application. For these reasons, Applicant requests that the Office withdraw these rejections.

Accordingly, claim 1 is allowable over Thompson for at least the reasons described above, and Applicant respectfully requests that the §102 rejection be withdrawn.

**Claims 3, 4, 6, 8, 14** are allowable by virtue of their dependency upon claim 1 (either directly or indirectly). These claims are also allowable for their

own recited features that, in combination with those recited in Claim 1 are neither disclosed nor suggested in Thompson. Accordingly, the §102 rejection should be withdrawn. Additionally, some or all of claims 3, 4, 6, 8, 14 are allowable over Thompson for independent reasons. For example:

Amended Claim 3 recites constructing a first and a second filter; and filtering with the first and second filter the obtained plurality of virtual items based on their attributes. Thompson does not do filtering with the filters to obtain a plurality of virtual items based on their attributes. Accordingly, claim 3 is allowable over Thompson and the §102 rejection should be withdrawn.

Amended Claim 14 recites displaying virtual items that include attributes that match predetermined attributes queried by a selected filter. Thompson does not display virtual items that include attributes that match predetermined attributes queried by a selected filter. Accordingly, claim 14 is allowable over Thompson and the §102 rejection should be withdrawn.

Claim 23 recites a computer game including a game display, the game display comprising:

virtual item icons indicating a plurality of virtual items collected by a game player during play of the computer game, at least a portion of the plurality of virtual items comprising attributes, and

an inventory management portion, the inventory management portion further includes:

an inventory filter icon that can be selected to yield a selected inventoried package display, the selected inventoried package display displays zero or more filtered virtual item icons, each displayed virtual filtered item icon

represents a virtual item that includes the attributes filtered based on queries associated with the inventory filter icon.

**Claim 31** recites a computer readable medium having computer executable instructions which, when executed by a processor, causes the processor to:

indicate a plurality of virtual items to be obtained as possessions by a virtual game player during the play of a computer game, at least a portion of the plurality of virtual items comprising attributes:

collect in an inventory the plurality of virtual items with the game player;

select a filter to apply to the inventory based on the attributes of at least one of the plurality of virtual items that are used within the computer game; and

apply the selected filter to the inventory based on the at least one of the attributes.

Seven Kingdoms does not show or disclose virtual items collected by a game player, as recited in amended claim 23 and 31. Specifically Seven Kingdoms II does not indicate to the game player virtual items collected during game play. Further Seven Kingdoms does not display during game play the filtered items in a game inventory. Seven Kingdoms is an application that is used to help the user knowing what is in the user's inventory, which is different from Applicant's game playing inventory management application. For these reasons, Applicant requests that the Office withdraw these rejections.

**Claims 26, 27 and 32, 34, 36** are allowable by virtue of their dependency upon claim 23 (either directly or indirectly) and 31 respectively. These claims are also allowable for their own recited features that, in combination with those

recited in Claim 23 or 31 are neither disclosed nor suggested in Seven Kingdoms. Accordingly, the §102 rejection should be withdrawn.

Applicant submits that amended claims 1-22 are not anticipated by Thompson, amended claims 23 - 36 are not anticipated by Seven Kingdoms, and hereby requests that the rejection of these claims be withdrawn.

### **35 U.S.C. §103 Claim Rejections**

Dependent claims 22 and 24, are rejected under 35 U.S.C. §103(a) for obviousness over Seven Kingdoms II in view of Thompson (*Office Action* p. 7 - 9) and further in view of Motor City. Applicant respectfully traverses the rejections.

Dependent claims 2, 5, 7, 9-13, 15-20, 25, 33 and independent claim 37 upon which claims 38 - 43 are dependent, are rejected under 35 U.S.C. §103(a) for obviousness over Seven Kingdoms II in view of Thompson (*Office Action* p. 7 - 9). Applicant respectfully traverses the rejections.

Seven Kingdoms and/or Thompson do not teach or suggest the combination of feature(s) recited in claim 37. For example, Seven Kingdoms and/or Thompson do not teach or suggest:

“a game server operative to couple with a plurality of game computers running a computer game, the game server at least partially including an inventory management portion that stores an indication of a plurality of virtual items obtained as possessions by a plurality of game players during their play of the computer game, at least a portion of the plurality of virtual items comprising attributes; and



the inventory management portion further including a process for providing an inventory filter icon that can be selected by game players to filter attributes of the plurality of virtual items to yield a selected inventoried package, the selected inventoried package includes a process for indicating at least one virtual item icon to the game player, each indicated virtual item icon represents at least one of the plurality of the virtual items that includes the attributes filtered as a result of at least one of the game players selecting the inventory filter icon.”, as recited in amended claim 37.

Thomson describes a method for managing game pieces, such as cards or board parts. Seven Kingdoms describes a method for displaying buildings on a map constructed during a game. Neither Thomson no Seven Kingdoms describe an inventory management portions that indicates virtual items obtained as possessions by a plurality of game players during game play. Further there is no teaching or suggestion of a selectable filter icon that when selected filters and indicates the obtained virtual item icons, as recited in amended claim 37.

Accordingly, claim 37 is allowable over the Seven Kingdoms and/or Thompson combination for at least the reasons described above, and Applicant respectfully requests that the §103 rejection be withdrawn.

**Claims 38 - 43** are allowable by virtue of their dependency upon claim 37 (either directly or indirectly). Accordingly, the §103 rejection should be withdrawn. Additionally, some or all of claims 38 - 43 are allowable over the Seven Kingdoms in view of Thompson combination for independent reasons. For example:

Claim 39 recites wherein the virtual items are obtained as possessions by capturing the virtual items from virtual game players during the play of the computer game. None of the references disclose filtering attributes of virtual items obtained as possessions by capturing virtual items from virtual game players.

Accordingly, claim 39 is allowable over the Seven Kingdoms in view of Thompson combination and the §103 rejection should be withdrawn.

Claims 2, 5, 7, 9-13, 15-20; 25 and 33 are allowable by virtue of their dependency upon claim 1, 23 and 31 respectively, which is allowable over Thompson for at least the reasons described above in response to the §102 rejection of claims 1, 23 and 31. Claims 2, 5, 7, 9-13, 15-20, 25, 33 are also allowable over the Thompson / Seven Kingdoms combination because Thompson and/or Seven Kingdoms do not address the deficiencies of Thompson as described above in the response to the rejection of amended claim 1 and Seven Kingdoms do not address the deficiencies for amended claims 23 and 31. Accordingly, the §103 rejection should be withdrawn.

Claims 22 and 24 are allowable by virtue of their dependency upon claim 1, and 23 respectively, which is allowable over Thompson for at least the reasons described above in response to the §102 rejection of claim 1 and Seven Kingdoms for at least the reasons described above in response to the §102 rejection of claim 23. Claims 22 and 24 are also allowable over the Thompson / Seven Kingdoms / Motor City combination because Thompson and/or Seven Kingdoms / Motor City do not address the deficiencies of Thompson as described above in the response to the rejection of amended claims 1 and Seven Kingdoms

do not address the deficiencies for amended claim 23. Further Motor City discloses constructing a vehicle in a racing game, but does not disclose altering an attribute of a first virtual item to enable a filter to filter the virtual item and disable the first filter from filtering the first virtual item as recited in amended claim 22. Accordingly, the §103 rejection should be withdrawn.


### **Conclusion**

Pending claims 1-43 are in condition for allowance and Applicant respectfully requests issuance of the subject application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

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By: \_\_\_\_\_

  
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